

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 201910753	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> O.L. <input type="checkbox"/> Injury	U.S.
Incident Date(s) Sun, 12/15/2019 12:23 AM	Location of Incident: the vicinity of Morris Avenue and East 153rd Street		Precinct: 40	S.O.L. Expires: 06/15/2021	
Date/Time CV Reported Mon, 12/16/2019 12:11 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 12/16/2019 12:11 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED]
2. [REDACTED]	Victim	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Podlovits	19283	957965	PBBX SU
2. [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
A . [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
I . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits interfered with [REDACTED] use of a recording device.	I . Unfounded
J . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits frisked [REDACTED]	J . Substantiated
K . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits questioned [REDACTED]	K . Exonerated
L . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits questioned [REDACTED]	L . Unfounded
M . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits searched [REDACTED]	M . Unfounded
N . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits frisked [REDACTED]	N . Substantiated

Officer(s)	Allegation	Investigator Recommendation
O . [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
X . POM Richard Podlovits	Abuse of Authority: Police Officer Richard Podlovits failed to provide [REDACTED] with a business card.	X . Substantiated
Y . [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On December 16, 2019, [REDACTED] filed this complaint in person at the CCRB.

On December 15, 2019, at approximately 12:23 a.m., [REDACTED] and his twin brother, [REDACTED] were walking in the vicinity of Morris Avenue and East 153rd Street in the Bronx when Sgt. [REDACTED] PO [REDACTED] and PO Podlovits, of Patrol Borough Bronx Specialized Unit, stopped them (**Allegations A and B: Abuse of Authority, substantiated**). PO [REDACTED] allegedly told them to put their “fucking hands up” (**Allegations C and D: Courtesy, unsubstantiated**). PO [REDACTED] and [REDACTED] approached [REDACTED] and both officers allegedly frisked him (**Allegation E: Abuse of Authority, substantiated**) (**Allegation F: Abuse of Authority, unfounded**). PO [REDACTED] and [REDACTED] allegedly placed their hands in [REDACTED] jacket and pants pockets (**Allegations G and H: Abuse of Authority, unfounded**). [REDACTED] took out his phone to record the interaction and PO Podlovits approached him and told him to stop (**Allegation I: Abuse of Authority, unfounded**). PO Podlovits frisked [REDACTED] chest area (**Allegation J: Abuse of Authority, substantiated**). PO Podlovits asked if he had pills in his jacket’s inner breast pocket and allegedly asked if he had marijuana in the same pocket (**Allegation K: Abuse of Authority, exonerated**) (**Allegation L: Abuse of Authority, unfounded**). PO Podlovits allegedly searched [REDACTED] jacket’s inner breast pocket (**Allegation M: Abuse of Authority, unfounded**). PO Podlovits further frisked his jacket and pants (**Allegation N: Abuse of Authority, substantiated**). [REDACTED] asked for the names and shield numbers of PO [REDACTED] and [REDACTED]. PO [REDACTED] provided his shield number and allegedly refused to provide his name (**Allegations O: Abuse of Authority, unfounded**). [REDACTED] allegedly did not provide his name or shield number (**Allegations P and Q: Abuse of Authority, unsubstantiated**). [REDACTED] entered the street to take a photograph of the police vehicle and PO [REDACTED] and [REDACTED] allegedly threatened to arrest him if he did not return to the sidewalk (**Allegations R and S: Abuse of Authority, unsubstantiated**). [REDACTED] continued trying to take a photograph and PO [REDACTED] allegedly pushed him toward the sidewalk to prevent him from taking the photograph (**Allegation T: Force, unsubstantiated**) (**Allegation U: Abuse of Authority, unfounded**). PO Podlovits then returned to the vehicle and [REDACTED] and [REDACTED] walked away. No officer offered or provided [REDACTED] or [REDACTED] business cards (**Allegation V-X: Abuse of Authority, substantiated**) (**Allegation Y: Abuse of Authority, unsubstantiated**). After [REDACTED] and [REDACTED] crossed the street at the intersection, officers drove by and [REDACTED] allegedly displayed his middle finger to them (**Allegation Z and AA: Courtesy, unfounded**).

PO [REDACTED] failed to record the incident with his body-worn camera (BWC) (**Allegation AB: Other Misconduct**).

No arrests were made and no summonses were issued.

Exterior surveillance footage was obtained from the Wonder Wash Laundromat and Fine Fare Supermarket, both located at 675 Morris Avenue, and a residential building located at 635-655 Morris Avenue in the Bronx (BR 01-06). Cellphone footage was obtained from [REDACTED] and [REDACTED] (BR 07-08).

BWC footage was obtained from the NYPD Legal Bureau (BR 09-10).

Findings and Recommendations

[REDACTED]

[REDACTED]

[REDACTED]

CCRB Case # 201910753

[REDACTED] provided consistent testimony to [REDACTED] barring the following points (BR 12-13). [REDACTED]

CCRB Case # 201910753

CCRB CTS – Confidential

CCRB Case # 201910753

Page 5

CCRB Case # 201910753

A horizontal bar chart illustrating the percentage of respondents who have heard of different topics. The y-axis lists 20 topics, and the x-axis represents the percentage from 0% to 100%. Most topics show high awareness (above 80%), while a few like 'GMOs' and 'Organic food' show lower awareness (around 60%).

Topic	Percentage Heard Of (%)
Organic food	~60
GMOs	~60
Smartphones	~85
Artificial intelligence	~85
Electric vehicles	~85
Renewable energy	~85
Cloud computing	~85
Blockchain technology	~85
Self-driving cars	~85
Smart homes	~85
UV protection	~85
Microplastics	~85
Plastic pollution	~85
Single-use plastics	~85
Recycling	~85
Organic cosmetics	~85
Natural skincare	~85
Biodegradable products	~85
Green living	~85
Sustainable fashion	~85

Allegation I – Abuse of Authority: Police Officer Richard Podlovits interfered with [REDACTED] use of a recording device.

Footage from [REDACTED] cellphone captures this allegation (BR 08). There is no on-screen timestamp and the durational timestamp will be referenced. At 0:02, [REDACTED] directs his cellphone camera at PO Podlovits' face. PO Podlovits states, "Stop that." [REDACTED] continues to record the incident for an approximate minute and a half more.

[REDACTED] stated he began recording the incident with his cellphone when PO Podlovits approached him. PO Podlovits told him to stop recording. [REDACTED] refused and PO Podlovits made no further attempts to prevent him from recording.

[REDACTED] did not allege that any officer interfered with any recording by [REDACTED]

PO Podlovits stated [REDACTED] recorded almost the entire incident on his cellphone after removing it from his right jacket pocket. [REDACTED] put the phone directly in front of PO Podlovits' face which presented safety concerns. PO Podlovits was afraid [REDACTED] might use it to hit him in the face and mentioned a general concern for guns disguised as cellphones. He never told [REDACTED] to stop recording or interfered with his recording other than keeping it away from his face for safety reasons.

PO [REDACTED] did not recall [REDACTED] ever using his phone to record the incident.

[REDACTED] did not recall PO Podlovits ever interfering with [REDACTED] recording.

The video evidence is consistent with PO Podlovits' testimony that he only told [REDACTED] to, "Stop that," when [REDACTED] held his cellphone directly in front of the officer's face. [REDACTED]

[REDACTED] was able to record the rest of the incident without any alleged further interference by PO Podlovits. As the video evidence demonstrated, PO Podlovits did not interfere with [REDACTED] ability to record the incident, it is recommended that **Allegation I** be **unfounded**.

Allegation J – Abuse of Authority: Police Officer Richard Podlovits frisked [REDACTED]

Footage from PO Podlovits' BWC captures this allegation (BR 10). The durational timestamp of the video will be referenced, not the on-screen timestamp. At 0:47, PO Podlovits then grabs the left breast of [REDACTED] jacket with his right hand and shakes it several times.

[REDACTED] stated that as his hands were in the air, PO Podlovits patted his sweatpants pockets, the front of his torso, and the outside of his inner right breast pocket. PO Podlovits told [REDACTED] that the pill bottle appeared to be a knife from his initial observations. [REDACTED] told the investigation that there was no observable indication he was carrying anything in his inner right breast pocket.

[REDACTED] did not observe [REDACTED] being frisked by PO Podlovits.

PO Podlovits stated that as PO [REDACTED] began interacting with [REDACTED] [REDACTED] began gravitating toward PO [REDACTED] on his right side, where he carries his firearm, and tried to interject. [REDACTED] had his hands in his front jacket pockets while stepping into PO [REDACTED] immediate vicinity. [REDACTED] angled his body away from PO Podlovits toward PO [REDACTED] PO Podlovits believed this was either for [REDACTED] to conceal the front of his body from him or to focus on PO [REDACTED] and [REDACTED]. Concerned for PO [REDACTED] safety, PO Podlovits told [REDACTED] to step back and take his hands out of his pockets. [REDACTED] did not step back, so PO Podlovits put his hand up across his chest. [REDACTED] turned toward PO Podlovits and revealed an outline on the left side of his chest with appearance of an object weighing down a pocket there. The outline of the object had a cylindrical feature, resembling that of a knife. It was approximately 4" to 4.5" by 1.5" in a vertical orientation. As PO Podlovits believed it to be a knife, he put his hand on top of it, grabbed and shook it, and heard some pills shaking around as he moved it.

PO [REDACTED] made no notable observations of [REDACTED] and did not recall observing PO Podlovits frisk him.

[REDACTED] stated that [REDACTED] wore a heavy jacket which obscured any potential bulges and he made no notable observations of [REDACTED] [REDACTED] did not know if PO Podlovits frisked him.

A pocket bulge can be caused by a number of innocuous objects. Without anything in the character or location of the bulge to suggest that an individual is carrying a weapon and in absence of other indications of being armed, such as furtive movements toward the bulge, an officer lacks reasonable suspicion to conduct a frisk of the pocket People v. Hill, 262 A.D.2d 870 [1999] (BR 24).

PO Podlovits' belief that [REDACTED] was carrying a knife was based on his observation of a cylindrical outline in [REDACTED] jacket pocket. PO Podlovits observed no specific indications that it was a knife. The dimensions as described by PO Podlovits are representative of several objects, hardly limited to just a knife. Though PO Podlovits testified that [REDACTED] behavior was a potential threat to PO [REDACTED] safety, it had no relation to the object in his pocket. As PO Podlovits lacked reasonable suspicion that [REDACTED] carried a knife in his jacket pocket, it is recommended that **Allegation J** be substantiated.

Allegation K – Abuse of Authority: Police Officer Richard Podlovits questioned [REDACTED]

Footage from PO Podlovits' BWC captures this allegation (BR 10). The durational timestamp of the video will be referenced, not the on-screen timestamp. At 1:01, as PO Podlovits holds the outside of [REDACTED] breast pocket, he asks [REDACTED] "What is it? Pills?" [REDACTED] states, "Yes, it's my pills."

[REDACTED] stated that as his hands were in the air, PO Podlovits squeezed the outside of his inner breast pocket and asked [REDACTED] "Is that a pill bottle? Is that marijuana?" [REDACTED] confirmed both.

[REDACTED] stated that, as he interacted with PO [REDACTED] and [REDACTED] he heard PO Podlovits ask [REDACTED] what was in his inner breast pocket. [REDACTED] told him it was medication and PO Podlovits explained that it resembled a knife bulging from chest.

PO Podlovits stated that when he heard the sounds of pills in a bottle as he frisked [REDACTED] due to the perceived cylindrical bulge, PO Podlovits asked if it was a pill bottle and [REDACTED] confirmed it was.

PO [REDACTED] made no notable observations of [REDACTED] and did not recall observing PO Podlovits ask [REDACTED] any questions.

[REDACTED] did not know if PO Podlovits anyone any questions.
An officer who noticed an undefined bulge in an individual's jacket pocket, believing it looked like a weapon, had a founded suspicion to ask the individual what was in his pocket. People v. Niles, 237 A.D.2d 537 [1997] (BR 35).

PO Podlovits' initial belief that [REDACTED] was carrying a knife was based on his observation of a cylindrical outline in [REDACTED] jacket pocket. As this already provided him with founded suspicion, PO Podlovits could ask [REDACTED] what was inside of the pocket where he saw the cylindrical outline. It is therefore recommended **Allegation K** be **exonerated**.

Allegation L – Abuse of Authority: Police Officer Richard Podlovits questioned [REDACTED]

Footage from PO Podlovits' BWC captures this allegation (BR 10). The durational timestamp of the video will be referenced, not the on-screen timestamp. At 1:01, as PO Podlovits holds the outside of [REDACTED] breast pocket, he asks [REDACTED] "What is it? Pills?" [REDACTED] states, "Yes, it's my pills."

[REDACTED] stated that as his hands were in the air, PO Podlovits squeezed the outside of his inner breast pocket and asked [REDACTED] "Is that a pill bottle? Is that marijuana?" [REDACTED] confirmed both as he was carrying a glassine envelope of marijuana in that pocket.

[REDACTED] stated that, as he interacted with PO [REDACTED] and [REDACTED] he heard PO Podlovits ask [REDACTED] what was in his inner breast pocket. [REDACTED] told him it was medication and PO Podlovits explained that it resembled a knife bulging from chest.

PO Podlovits stated that when he heard the sounds of pills as he frisked [REDACTED] due to the perceived cylindrical bulge, PO Podlovits asked if it was a pill bottle and [REDACTED] confirmed it was.

PO [REDACTED] did not recall PO Podlovits ask [REDACTED] any questions.

[REDACTED] did not know if PO Podlovits asked anyone any questions.

[REDACTED] was the only party to allege that PO Podlovits asked him if he possessed marijuana, which was refuted by the video evidence. It is therefore recommended that **Allegation L** be **unfounded**.

Allegation M – Police Officer Richard Podlovits searched [REDACTED]

Footage from PO Podlovits' BWC captures this allegation (BR 10). The durational timestamp of the video will be referenced, not the on-screen timestamp. At 0:47, PO Podlovits initiates physical contact with [REDACTED] by grabbing the left breast of his jacket with his right hand and shaking it several times. He keeps holding it until 1:04 when PO Podlovits moves his hand along the sides of [REDACTED] upper body to his legs. At 1:07, PO Podlovits squeezes [REDACTED] front right pants pocket and the runs his left hand along the length of [REDACTED] left leg. At 1:14, PO Podlovits finishes his frisk and ceases physical contact with [REDACTED]. [REDACTED] jacket is completely zipped up the entire time and no search of his inner breast pocket is depicted.

[REDACTED] stated that his jacket and inner breast pocket were both initially fully zipped closed and that after confirming he had medication and marijuana in his inner breast pocket, PO Podlovits unzipped his jacket, unzipped his inner right pocket, and looked inside. He did not reach in or remove anything from [REDACTED] pockets.

[REDACTED] stated that after he heard PO Podlovits ask [REDACTED] what he had in his inner breast pocket and [REDACTED] told him medication, PO Podlovits reached into the pocket and pulled out a typical orange vial for prescription drugs. PO Podlovits asked [REDACTED] if it was the medication he referred to and [REDACTED] confirmed.

PO Podlovits did not recall if [REDACTED] jacket was opened or closed when officers approached him and did not recall himself unzipping any secured zippers on [REDACTED] jacket. He was never able to observe the interior of [REDACTED] inner breast pocket.

PO [REDACTED] did not observe PO Podlovits search [REDACTED]

[REDACTED] stated that he did not observe PO Podlovits search [REDACTED]

[REDACTED] and [REDACTED] described the alleged search of [REDACTED] inner breast pocket by PO Podlovits differently, neither of which was corroborated by the video evidence and PO Podlovits' testimony that he did not search [REDACTED] as alleged. It is therefore recommended that **Allegation M** be **unfounded**.

Allegation N – Police Officer Richard Podlovits frisked [REDACTED]

Footage from PO Podlovits' BWC captures this allegation (BR 10). The durational timestamp of the video will be referenced, not the on-screen timestamp. There is no audio until 1:00. At 0:47, PO Podlovits grabs the left breast of [REDACTED] jacket with his right hand and shakes it several times. He keeps holding it and at 1:01 asks [REDACTED] "What is it? Pills?" [REDACTED] states, "Yes, it's my pills." There is apparent wind interference obscuring the audio. At 1:04, PO Podlovits moves his hand along the sides of [REDACTED] upper body to his legs. At 1:06, [REDACTED] states, "I ain't got no weapons." At 1:07, PO Podlovits squeezes [REDACTED] front right pants pocket and the runs his left hand along the length of [REDACTED] left leg. No further frisk by PO Podlovits is depicted. At 1:10, [REDACTED] who interacts with PO [REDACTED] and [REDACTED] to PO Podlovits' left, states, "Keep searching."

[REDACTED] cellphone footage captures audio from the incident before PO Podlovits' BWC footage (BR 08). There are no on-screen timestamps and the durational timestamp will be referenced. At 0:01, [REDACTED] asks, "What are you searching me for?" PO Podlovits responds, "Do you want me to- Stop that." There is apparent wind interference partially obscuring the audio.

No further statements from [REDACTED] are audible until after 0:10 when PO Podlovits asks, "What is it? Pills?" and [REDACTED] confirms. At 0:15, [REDACTED] states he does not have any weapons. At 0:20, [REDACTED] tells PO [REDACTED] to keep searching and [REDACTED] asks PO Podlovits, "What is the probable cause?"

[REDACTED] stated that as his hands were in the air, PO Podlovits frisked and squeezed the front pockets of [REDACTED] sweatpants, patted the front of his torso, and squeezed the outside of his inner right breast pocket. PO Podlovits also squeezed [REDACTED] lower front jacket pockets during the frisk. [REDACTED] repeatedly protested PO Podlovits' actions and asked the officer what was the "probable cause to stop [him]."

[REDACTED] did not observe any frisk of [REDACTED] by PO Podlovits.

PO Podlovits stated that, during his initial frisk of [REDACTED] jacket, [REDACTED] stated, "If you want to frisk/check me, go ahead," with his hands out and up. PO Podlovits took this as consent for a more general frisk. Also, during this initial frisk, [REDACTED] moved his hand several times toward his right jacket pocket which indicated he might be concealing something there. Due to [REDACTED] consent and hand movements, PO Podlovits frisked his right jacket pocket. He did not recall if he frisked any additional parts of his body. He did not recall feeling anything in the pocket. When presented the above-referenced BWC footage, PO Podlovits identified himself as frisking [REDACTED] legs. He did so because [REDACTED] told him to "keep checking." PO Podlovits stated [REDACTED] provided consent prior to audio starting in the footage and before he asked about [REDACTED] pills but after PO Podlovits frisked his breast pocket and right jacket pocket. When presented the above-referenced cellphone footage, PO Podlovits stated [REDACTED] provided consent prior to the video starting.

PO [REDACTED] did not recall observing PO Podlovits frisk

[REDACTED] did not know if PO Podlovits frisked

A frisk of an individual must be based on a reasonable suspicion that a particular person has committed, is committing or is about to commit a crime and that the officer is in danger by virtue that the individual is armed, and innocuous behavior alone is not adequate basis for reasonable suspicion People v. DeBour, 40 N.Y.2d 210 [1976].

The video evidence depicted only [REDACTED] as providing consent for officers to "keep searching" him. Though audio in both the above-referenced videos is partially obscured, there is nothing to suggest that [REDACTED] provided consent to PO Podlovits to frisk him. PO Podlovits initially testified that [REDACTED] provided consent during the initial frisk of his chest and when presented video evidence, alleged that any consent was provided before any available audio recording the interaction. However, the audio in [REDACTED] cellphone footage covers PO Podlovits' initial frisk of [REDACTED] chest. PO Podlovits' own testimony regarding [REDACTED] consent for a more comprehensive frisk was inconsistent before and after he was presented video, thus the investigation discredits PO Podlovits' testimony regarding this allegation. Without consent, PO Podlovits had no predicate to frisk [REDACTED] legs and only had alleged general hand movements as a basis to frisk his jacket pocket, which is inadequate basis by itself.

As the video evidence is consistent with [REDACTED] testimony that he provided no consent to PO Podlovits to frisk him, it is recommended that **Allegation N** be **substantiated**.

Term	Percentage
GMOs	~95%
Organic	~90%
Natural	~85%
Artificial	~75%
Organic	~70%
Natural	~65%
Artificial	~60%
Organic	~55%
Natural	~50%
Artificial	~45%

A horizontal bar chart illustrating the percentage of respondents who have heard of different topics. The y-axis lists 20 topics, and the x-axis represents the percentage from 0% to 100%. Most topics show high awareness (above 80%), while a few like 'GMOs' and 'Organic food' show lower awareness (around 60%).

Topic	Percentage Heard Of (%)
Organic food	~60
GMOs	~60
Smartphones	~85
Artificial intelligence	~85
Electric vehicles	~85
Renewable energy	~85
Cloud computing	~85
Blockchain technology	~85
Self-driving cars	~85
Smart homes	~85
UV protection	~85
Wearable technology	~85
Microplastics	~85
Plastic pollution	~85
Single-use plastics	~85
Microfibres	~85
Greenwashing	~85
Carbon footprint	~85
Sustainable fashion	~85
Organic cosmetics	~85

CCRB Case # 201910753

Allegation X – Abuse of Authority: Police Officer Richard Podlovits failed to provide [REDACTED] with a business card.

Footage from Sgt. ████████ BWC captures these allegations (BR 09). The durational timestamp of the video will be referenced, not the on-screen timestamp. At 1:28, ████████ asks for PO ████████ card as he walks away. PO ████████ tells him he has to go find one, and asks twice more as they both walk toward the vehicle.

Footage from PO Podlovits' BWC captures these allegations (BR 09). The durational timestamp of the video will be referenced, not the on-screen timestamp. At 1:16, [REDACTED] tells PO [REDACTED] "Give me your card, like you're supposed to." Any additional interaction between [REDACTED] and PO [REDACTED] is inaudible. At 2:03, as PO Podlovits speaks to [REDACTED] [REDACTED] comes up and asks PO Podlovits for his information, which he provides. [REDACTED] states he is going to the CCRB. At 2:11, [REDACTED] states no officer gave him any cards. He then tells the officers to have a good night, states, "Suck a dick. Run down on six black more people, fuck out of here," and walks away from officers. At 2:19, [REDACTED] asks for PO Podlovits' name and he provides his name and shield number. [REDACTED] tells him he is going to send the video to 1 Police Plaza. PO Podlovits thanks him and [REDACTED] and [REDACTED] both walk away.

_____ stated that once PO _____ provided his name and shield number, _____ told him that was not enough, and asked for a business card. PO _____ did not respond and entered the driver's seat of the vehicle. Once _____ returned to the sidewalk after attempting to photograph the police vehicle, _____ asked PO Podlovits for his name and shield number, which PO Podlovits provided, and a business card, which PO Podlovits did not provide. PO Podlovits returned to the backseat of the vehicle. No officer offered or provided any business cards to _____ or _____.

_____ stated that _____ followed PO _____ and _____ from the sidewalk to their vehicle while repeatedly asking for their business cards. Neither officer provided their business cards. _____ asked PO Podlovits for his name and business card. PO Podlovits provided his name and shield number but did not provide a business card. PO Podlovits returned to the vehicle and officers drove away.

[REDACTED] stated that when he returned to the vehicle, he heard [REDACTED] or [REDACTED] ask PO Podlovits for a business card. He did not know if PO Podlovits provided any, but believed he went into the trunk of the vehicle to find one. [REDACTED] had business cards on his vest carrier, which was under his sweatshirt and body camera. As [REDACTED] recorded the vehicle, [REDACTED] began disrobing within the vehicle to access his business cards to provide them. He

did not recall anyone requesting one from him, but he intended to provide his. However, [REDACTED] and [REDACTED] left the scene before [REDACTED] was able to access the compartment in his vest. He did not recall if PO [REDACTED] ever offered a business card or if he was ever requested to provide one. [REDACTED] was not sure if any officers advised the individuals, they would have to wait for a business card. [REDACTED] was not sure if any officers provided their command to the individuals. In his memo book, [REDACTED] noted, "male... requested a card and walked away."

As PO [REDACTED] returned to the police vehicle, [REDACTED] asked him for a contact card. PO [REDACTED] returned to the vehicle with the intention of retrieving a card, which he kept in the open compartment of the front passenger door. He stopped briefly to order [REDACTED] back onto the sidewalk and told him he was looking for a business car. While continuing to look for one, [REDACTED] and [REDACTED] left the scene. This indicated to PO [REDACTED] that they no longer wanted any contact with the officers, thereby refusing a card, so he no longer tried to provide a card. PO [REDACTED] did not recall if [REDACTED] or PO Podlovits ever offered their own contact cards. In his memo book, PO [REDACTED] noted, "While requesting a contact card upon conclusion of stop, subject walked away from police before reporting officer could retrieve one from [sic] him."

PO Podlovits stated that once he finished frisking [REDACTED] asked him if he was done. PO Podlovits confirmed he was, and [REDACTED] began leaving the scene with [REDACTED]. As he did so, [REDACTED] requested a business card from PO Podlovits and yelled at him, "Suck my dick, you're a cocksucker, you're a faggot. I'm going to the CCRB tomorrow, so I'll just tell them about this incident as well." PO Podlovits went to his vehicle intending to retrieve a card since he keeps his business cards in a bag inside the vehicle. However, as [REDACTED] continued walking away with [REDACTED] and was cursing at PO Podlovits, he did not think it prudent to follow them and provide a card as they expressed a general desire to no longer interact with the police. He did not observe PO [REDACTED] or [REDACTED] offer their own cards or anyone request one from them. In his memo book, PO Podlovits noted, "Subject 2 ([REDACTED]) did ask for card then walked away while screaming multiple verbal slurs to undersigned while undersigned went to retrieve card."

In Stop, Question, and Frisk report #2019-040-000282 prepared by PO [REDACTED] regarding both stops of [REDACTED] and [REDACTED] it was indicated business cards were offered (BR 20). When presented the report during his interview, PO [REDACTED] did not recall any officer ever actively offering one.

An officer is to offer a business card to a person who is subject of certain law enforcement activity, including pedestrian stops and frisks, at the conclusion of any such activity that does not result in an arrest or summons (New York City Administrative Code 14-174) (BR 28). The NYPD provides no guidance on how or where officers should carry these cards (Patrol Guide Procedure 203-09) (BR 25).

It is established that [REDACTED] supervised the stop of [REDACTED] and [REDACTED] and that PO Podlovits frisked [REDACTED]. Video evidence contradicted civilian testimony and PO Podlovits' testimony alleging that [REDACTED] requested a business card from PO Podlovits. Only [REDACTED] is depicted requesting a business card only from PO [REDACTED]. Though officers assumed neither [REDACTED] nor [REDACTED] wanted a business card as they walked away at the conclusion of the stop, [REDACTED] made it clear in the video evidence that he sought officers' cards. [REDACTED] and PO Podlovits both testified to their intentions of providing business cards, neither actually offered any nor addressed [REDACTED] complaints that no officer had given him a card.

As [REDACTED] and PO Podlovits did not offer cards to anyone scene following their respective law enforcement activities, it is recommended that **Allegations V to X be substantiated.**

[REDACTED]

[REDACTED]

A horizontal bar chart illustrating the percentage of respondents who "do not confirm" various statements. The y-axis lists 20 distinct statements, each represented by a black bar. The x-axis represents the percentage of respondents, ranging from 0% to 100% in increments of 10%. The bars are ordered from highest to lowest percentage.

Statement	Percentage (approx.)
1	98%
2	97%
3	96%
4	95%
5	94%
6	93%
7	92%
8	91%
9	90%
10	89%
11	88%
12	87%
13	86%
14	85%
15	84%
16	83%
17	82%
18	81%
19	80%
20	79%

whether PO [REDACTED] was searching it for a business card as he claimed.

does not confirm

CCRB Case # 201910753

Civilian and Officer CCRB Histories

Mediation, Civil and Criminal Histories

- ██████████ declined to mediate this complaint.
 - ██████████ filed a Notice of Claim with the City of New York claiming unlawful stop and frisk, failure to intervene, negligent hiring, negligent retention, negligent discipline, negligent training, negligent supervision, prima facie tort, illegal search, respondent superior, violation of civil rights, violation of privacy, mental and emotional injuries, loss of liberty, violations of the New York Constitution Bill of Rights, and various federal claims and seeking an amount to be determined at trial as redress. As of the writing of this report, a 50H hearing had been scheduled for April 24, 2020, and the New York City Comptroller's Office had no records confirming whether the hearing had been held or rescheduled (BR 31).

- According to the Office of Court Administration, between September 8, 2010, and June 17, 2019, [REDACTED] was convicted of harassment in the second degree, disorderly conduct, and violation of the public health law, all of which he pled guilty to and received conditional discharges, an order of protection, and a fine (BR 32).
 - According to the Office of Court Administration, [REDACTED] has no history of convictions within New York City (BR 33)
-

Squad No.: 11

Investigator: Benjamin Shelton Inv. Benjamin Shelton 8/5/20
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Peña 08/06/20
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date